

INTAKE

DEC 12 2019

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

DEC 12 2019

Magistrate Judge Sidney I. Schenkier
United States District Court

UNITED STATES OF AMERICA

No. 18 CR 696

v.

Violation: Title 18, United States Code,
Sections 371, 1030, and 2339B(a)(1)

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi,
a/k/a Abu Shanab,
a/k/a Abbusi

SUPERSEDING INDICTMENT

JUDGE BLAKEY

MAGISTRATE JUDGE WEISMAN

COUNT ONE

The SPECIAL MAY 2019 GRAND JURY charges:

1. At times material to this indictment:

a. ASHRAF AL SAFOO, a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi, was a resident of Chicago.

ISIS

2. On or about October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a foreign terrorist organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

3. On or about May 15, 2014, the Secretary of State amended the designation of al-Qa'ida in Iraq as a foreign terrorist organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic

State of Iraq and the Levant as its primary name. The Secretary also added the following aliases to the foreign terrorist organization listing: The Islamic State of Iraq and al-Sham, the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furquan Establishment for Media Production.

4. On or about September 21, 2015, the Secretary of State added the following aliases to the foreign terrorist organization listing: Islamic State, ISIL, and ISIS.

5. On or about March 21, 2019, the Secretary of State added the following aliases to the foreign terrorist organization listing: Amaq News Agency and Al Hayat Media Center.

Khattab Media Foundation

6. Khattab Media Foundation (“Khattab”) was an internet-based organization dedicated to the creation and dissemination of pro-ISIS information, including edited video content and infographics created through the use of video and photo editing and other similar software. Khattab used a unique logo to identify certain products it created and disseminated.

7. Khattab had sworn bayat, or an oath of allegiance, to ISIS’s then-leader Abu Bak’r Al-Baghdadi.

8. Khattab posted its pro-ISIS videos, articles and infographics across multiple social media platforms including Twitter, Facebook, and YouTube.

Twitter

9. Twitter, Inc. ("Twitter") was a microblogging and social networking service based in California. A Twitter account could be created by a user providing an email address or telephone number. The registered email address could be used to reset the Twitter password by requesting that Twitter send a password reset link to the email address.

Hotmail

10. Hotmail was a free email service provider. Hotmail email addresses could be used to create Twitter accounts.

Social Media Application A

11. Social Media Application A was a mobile and desktop messaging application. Social Media Application A allowed users to communicate with each other in chat rooms called groups. Groups could be set up as private, and only approved users could get access to private groups.

12. Beginning no later than in or about June 2017, and continuing until at least on or about October 13, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,

a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbasi,

defendant herein, together with others known and unknown, knowingly conspired to provide material support and resources, namely, services, to a foreign terrorist organization, namely, the Islamic State of Iraq and al Sham, knowing that the

organization was a designated foreign terrorist organization, and that the organization had engaged in and was engaging in terrorist activity and terrorism;

In violation of Title 18, United States Code, Section 2339B(a)(1).

COUNT TWO

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. Co-Conspirator A, Co-Conspirator B, Co-Conspirator C, and Co-Conspirator D were members of Khattab and used Social Media Application A to communicate with other Khattab members, including defendant.

3. Beginning no later than in or around June 2017, and continuing until at least on or about October 13, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, did conspire with Co-Conspirator A, Co-Conspirator B, and with others known and unknown, to knowingly and willfully transmit in interstate commerce communications containing threats to injure the person of another, in violation of Title 18, United States Code, Section 875(c).

4. It was part of the conspiracy that Khattab members, including defendant, Co-Conspirator A, Co-Conspirator B, and others, caused to be created and created videos and infographics that contained threats to injure others, sometimes referencing ISIS, directed towards citizens of different countries to include the United States, the United Kingdom, France, Australia, Russia and Iraq.

5. It was further part of the conspiracy that members of Khattab, including defendant, Co-Conspirator A, Co-Conspirator B, and others, communicated on Social

Media Application A, including in private groups, regarding videos and infographics that contained threats to others and the objectives in creating these videos and infographics.

6. It was further part of the conspiracy that members of Khattab, including defendant, Co-Conspirator A, Co-Conspirator B, and others worked to distribute the videos and infographics to the public through various social media platforms.

7. It was further part of the conspiracy that defendant and others concealed, misrepresented, and hid, and caused to be concealed, misrepresented, and hidden, the existence, purpose, and acts done in furtherance of the conspiracy.

8. In furtherance of the conspiracy and to accomplish its objectives and purposes, defendant and others committed and caused to be committed the following overt acts:

a. Between June 2017 and October 2018, Khattab members communicated on Social Media Application A regarding videos and infographics that contained threats to injure others.

b. In or around August 2017, in response to another Khattab member's comment, in Arabic, to "Create a subject, to talk to the infidel nations that are targeted by the State," Co-Conspirator A wrote, in Arabic, in Social Media Application A, "Yes, I agree with you, a small release that doesn't surpass five minutes, made of two parts, the first to incite the Muslims to respond and punish the citizens of the Crusader states, avenging the Muslims in the Islamic State, and show clips of the Cross worshippers' crimes through it, whether it was bombings or other

things. And the second part is to send a message to the Cross worshipping citizens that they will not enjoy or dream of safety as long as their governments are fighting the Islamic State.”

c. On or about September 26, 2017, in response to a Khattab member’s comment, in Arabic, on Social Media Application A, “State [ISIS] fighters take control of most of University of Al-Anbar [Iraq] buildings,” defendant wrote, in Arabic, “Post it, brothers, to cause confusion and spread terror within the hearts of those who disbelieved.”

d. On or about September 26, 2017, in response to a Khattab member’s comment on Social Media Application A regarding ISIS’s control over areas around Al Ramadi in Iraq, defendant wrote, in Arabic, “We must spread fear among them, brothers. Access their media pages, Western #Al-Ramadi areas.”

e. In or around October 2017, Khattab created an infographic which stated in English “Las Vegas” and which stated, in Arabic, “America has drowned and there is no rescuer . . . And it has become a prey for the Caliphate soldiers in every corner of Earth.” Co-Conspirator B directed the Khattab members to “disseminate brothers” and defendant responded, in Arabic, by stating “There must be a release...All the foundations made releases.”

f. On or about October 8, 2017, Khattab created and distributed on the internet an infographic depicting the Las Vegas shooter which contained Arabic writing and stated, in English, “The Las Vegas Conquest.”

g. On or about December 14, 2017, Co-Conspirator B posted on Social Media Application A, the following message in Arabic, “A message to all the followers, especially the designers: I advise you to master your work and increase designs. By Allah, it’s a blaze that will devour the cross worshippers. Don’t forget you are the ones who represent the Islamic State on the Internet, so present it in a fine way and terrorize Allah’s enemies. Don’t belittle your support for us because its impact is more intense than arrows.”

h. On or about December 26, 2017, Khattab created and distributed on the internet a video titled “Our gifts are ready.” The video stated “Now listen you dogs of hell. This is a message and more are going to follow. This is just the beginning. Our gifts are now ready.” The video shows a present under a Christmas tree that contains a bomb with a timer ticking down before cutting to a video of a mass shooting. The video then uses animation to show families standing around the Christmas tree. Standing behind them is a person dressed in all black and holding what appears to be a detonator. As he raises the detonator, the video flashes to various landmarks and cities, including: Berlin, Brussels, London, Moscow, New York, Paris, and Sydney. The soldier then detonates the bomb and the video is engulfed in flames. The video ends with the Khattab logo.

i. In or around December 2017, Khattab created and distributed on the internet an infographic of a headless Santa Claus sitting in a rocking chair next to a Christmas tree holding his own head and with the message, in Arabic, “New

design# Khattab Media Foundation: Soon# the presents of the Caliphate State.” The infographic says, in English and Arabic, “The Khilafahs presents are on their way.”

j. On or about August 3, 2018, Co-Conspirator B, in Arabic, directed the other members of Khattab on Social Media Application A to “prepare a campaign that takes into consideration the following points: Threat letters for the Islamic State enemies that it is continuing to deliver its promise of extracting apostasy and defection.”

k. On or about September 11, 2018, Co-Conspirator B directed other members of Khattab, on Social Media Application A, to post a Khattab created infographic depicting the World Trade Center buildings on fire, with the message, in English, “Our upcoming terror will make you forget the horrors you saw in New Yoek and Washington raids!”

l. A Khattab created infographic, which was kept on defendant’s phone and dated on the phone in or around September 2018, depicted a plane flying into the World Trade Center buildings with the message, in English, “We have by Allah’s grace made you forget the horrors of Washington and New York raids, and today, we remind you of them and promise you a terrorism, which will make you forget the most precious thing that you have.”

m. A Khattab created infographic, which was kept on defendant's phone and dated on the phone in or around October 2018, depicted a purported ISIS fighter looking over a smoldering city, with the message, in English, "State of the Caliphate Islamic State The future will be bitter and worse. We will water the earth with your blood. Prepare your coffins. And dig your graves."

In violation of Title 18, United States Code, Section 371.

COUNT THREE

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One and paragraph 2 Count Two of this superseding indictment are incorporated here.

2. Beginning no later than in or about April 2018, and continuing until at least on or about October 13, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, did conspire with Co-Conspirator C, Co-Conspirator D, and others known and unknown to intentionally access a protected computer used in interstate and foreign commerce without authorization, and thereby obtained information from a protected computer, with the offense being committed in furtherance of a criminal act in violation of the laws of the United States, specifically Title 18, United States Code, Section 2339B, in violation of Title 18, United States Code, Section 1030(a)(2) and (c)(2)(B)(iii).

3. It was part of the conspiracy that Khattab members sought to disseminate information on behalf of ISIS using Twitter.

4. Khattab members were aware that social media accounts, including Twitter accounts, used to promote ISIS, violence, or terrorism were often suspended or closed by Twitter.

5. It was further part of the conspiracy that Khattab members shared information related to "seizing" or "hacking" social media accounts, including Twitter

accounts, in order to disseminate information promoting ISIS, violence, and terrorism and to avoid or delay having their social media accounts suspended or closed after the information was disseminated.

6. It was further part of the conspiracy that Khattab members created accounts on Hotmail as a means to reset passwords for Twitter Accounts registered to third parties.

7. It was further part of the conspiracy that defendant and others concealed, misrepresented, and hid, and caused to be concealed, misrepresented, and hidden, the existence, purpose, and acts done in furtherance of the conspiracy

Overt Acts

8. In furtherance of this conspiracy, and to accomplish its objectives and purposes, defendant AL SAFOO and others, committed and caused to be committed the following overt acts, among others:

a. On or about April 12, 2018, Co-Conspirator C member posted, in Arabic, on Social Media Application A, "seize [a Twitter account], it is better because [the account] stays with you longer." He then posted instructions, via a video link, to register Hotmail accounts in order to gain unauthorized access to Twitter accounts and wrote, in Arabic, "this technique is only for the supporters of the Caliphate."

b. On May 1, 2018, defendant posted a link in a Khattab chat room to a video titled, in Arabic, "Stealing Twitter Accounts."

c. On or about June 6, 2018, Co-conspirator D posted on Social Media Application A, in Arabic, "Does anyone need seized Twitter accounts?"

d. In or around and between August 2018 and October 2019, defendant possessed a video titled, in Arabic, “How to Seize Twitter accounts through a Hotmail available in (Taking over Twitter accounts) channel.”

e. In or around and between August 2018 and October 2018, defendant saved information to his iPhone related to Twitter accounts that he accessed or attempted to access without authorization.

f. In or around and between August 2018 and October 2018, defendant attempted to access Twitter accounts without authorization.

g. On or about September 16, 2018, defendant accessed Twitter Account B without authorization.

h. On or about September 17, 2018, and September 19, 2018, defendant accessed Twitter Account D without authorization.

i. On or about September 20, 2018, defendant accessed Twitter Account A without authorization.

j. On or about September 25, 2018, defendant accessed Twitter Account C without authorization.

In violation of Title 18, United States Code, Section 371.

COUNT FOUR

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.
2. On or about September 16, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, intentionally accessed a protected computer used in interstate and foreign commerce without authorization, and thereby obtained information from a protected computer, through Twitter Account A, with the offense being committed in furtherance of a criminal act in violation of the laws of the United States, specifically Title 18, United States Code, Section 2339B(a)(1);

In violation of Title 18, United States Code, Section 1030(a)(2)(C) and 1030(c)(2)(B)(ii).

COUNT FIVE

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. On or about and between September 16, 2018 and September 17, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,
defendant herein, knowingly provided and attempted to provide material support and resources, namely, services through Twitter Account A, to the Islamic State of Iraq and al Sham, knowing that it was designated a foreign terrorist organization and that the organization had engaged in and was engaging in terrorist activity and terrorism;

In violation of Title 18, United States Code, Section 2339B(a)(1).

COUNT SIX

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. Between on or around September 17, 2018, and on or about September 19, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, intentionally accessed a protected computer used in interstate and foreign commerce without authorization, and thereby obtained information from a protected computer, through Twitter Account B, with the offense being committed in furtherance of a criminal act in violation of the laws of the United States, specifically Title 18, United States Code, Section 2339B(a)(1);

In violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(ii).

COUNT SEVEN

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. On or about and between September 17, 2018 and September 19, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, knowingly provided and attempted to provide material support and resources, namely, services through Twitter Account B, to the Islamic State of Iraq and al Sham, knowing that it was designated a foreign terrorist organization and that the organization had engaged in and was engaging in terrorist activity and terrorism;

In violation of Title 18, United States Code, Section 2339B(a)(1).

COUNT EIGHT

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.
2. On or about September 20, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, intentionally accessed a protected computer used in interstate and foreign commerce without authorization, and thereby obtained information from a protected computer, through Twitter Account C, with the offense being committed in furtherance of a criminal act in violation of the laws of the United States, specifically Title 18, United States Code, Section 2339B(a)(1);

In violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(ii).

COUNT NINE

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. On or about and between September 20, 2018 and September 25, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, knowingly provided and attempted to provide material support and resources, namely, services through Twitter Account C, to the Islamic State of Iraq and al Sham, knowing that it was designated a foreign terrorist organization and that the organization had engaged in and was engaging in terrorist activity and terrorism;

In violation of Title 18, United States Code, Section 2339B(a)(1).

COUNT TEN

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. On or about September 25, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,
a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,
defendant herein, intentionally accessed a protected computer used in interstate and foreign commerce without authorization, and thereby obtained information from a protected computer, through Twitter Account D, with the offense being committed in furtherance of a criminal act in violation of the laws of the United States, specifically Title 18, United States Code, Section 2339B(a)(1);

In violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(ii).

COUNT ELEVEN

The SPECIAL MAY 2019 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 11 of Count One of this superseding indictment are incorporated here.

2. On or about and between September 25, 2018 and October 7, 2018, in the Northern District of Illinois, Eastern Division, and elsewhere,

ASHRAF AL SAFOO,

a/k/a Abu Al'-Abbas Al-Iraqi, a/k/a Abu Shanab, a/k/a Abbusi,

defendant herein, knowingly provided and attempted to provide material support and resources, namely, services through Twitter Account D, to the Islamic State of Iraq and al Sham, knowing that it was designated a foreign terrorist organization and that the organization had engaged in and was engaging in terrorist activity and terrorism;

In violation of Title 18, United States Code, Section 2339B(a)(1).

FORFEITURE ALLEGATION

The SPECIAL MAY 2019 GRAND JURY further charges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and 1030(c)(2)(B)(ii), as set forth in this indictment, defendant shall forfeit to the United States of America:

a. any property constituting and derived from proceeds obtained directly and indirectly as a result of the offense, as provided in Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i)(1)(B); and

b. any personal property used and intended to be used to commit and to facilitate the commission of the offense, as provided in Title 18, United States Code, Section 1030(i)(1)(A).

2. The property to be forfeited includes, but is not limited to:

a. Apple iPhone 6, Model A1549, IMEI 354444065251649, and

b. Silver Enermax Computer Tower SIN: 13050210488.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY